

February 27, 2015
Via Overnight Delivery

Los Angeles County Board of Supervisors
Sachi A. Hamai, Chief Executive Officer
Attn: Agenda
500 W. Temple Street, Room 383
Los Angeles, California 90012

**Re: Request that Los Angeles County Conduct Elections on Behalf of the
Santa Clarita Community College District in November of Even-
Numbered Years, Using Cumulative Voting**

Dear Ms. Hamai:

On behalf of the Board of Trustees of the Santa Clarita Community College District ("District" or "SCCCD"), I hereby submit to the Los Angeles County Board of Supervisors, Resolution No. 2014/15-14 of the SCCC Board, requesting that in future years the County agree to conduct the District's Board elections in November of even-numbered years using a cumulative voting system. The County presently conducts the District's at-large elections in November of odd-numbered years.

Reasons for the Request

In 2013, two local Latino voters sued the District under the California Voting Rights Act, Elec. Code §§ 14025-14032, challenging the District's use of at-large voting with a numbered post system. *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, Case No. BC512736. The District contested the suit, contending that the at-large system did not result in the dilution of minority voting power. It also opposed the adoption of trustee area voting on the dual grounds that (1) it tends to balkanize local jurisdictions into competing fiefdoms, and (2) due to the impossibility of drawing a majority-Latino (or even near-majority-Latino) voter trustee area, moving to trustee areas could actually decrease minority voting power in the District.

On the eve of trial, the parties reached a settlement to address both sides' concerns: the District agreed to (1) change its election date from November of odd-numbered years to November of even-numbered years, to coincide with the statewide general election; (2) implement cumulative voting, in which a voter may cast as many votes as there are open seats, just like traditional voting, but can choose to cast multiple votes for a single

candidate; and (3) repeal its numbered-post system pursuant to Education Code § 5015.7—a step necessary to implement cumulative voting. The Board of Trustees adopted resolutions to this end on February 25, 2015.¹

A cumulative voting system—which is already used by local jurisdictions throughout the United States, including certain special districts in California,² and which is also widely used to elect the boards of directors of many California corporations³—enables the District to avoid the recognized downsides of trustee-area voting while still addressing the voting rights concerns of the plaintiffs. See *Holder v. Hall*, 512 U.S. 874, 908-12 (1994) (Thomas, J., concurring); Pildes & Donoghue, *Cumulative Voting in the United States*, 1995 U. CHI. LEGAL F. 241, 255.

Changing the District's election date also addresses plaintiffs' voting rights concerns and enables trustees to be chosen when turnout is at its peak.

The settlement in question was entered as a judgment by the Superior Court, pursuant to the stipulation of the parties, on August 25, 2014. The same court has held, in a parallel case against the City of Santa Clarita, *Soliz, et al. v. City of Santa Clarita*, Los Angeles County Superior Court, Case No. BC512735, that the California Voting Rights Act gives trial courts the authority to order cumulative voting and different election dates when agreed to by the parties, even in the absence of express statutory authorization for such an electoral system.

Though the District has the option under the judgment of conducting its own independent, concurrent elections (as many cities, including the City of Santa Clarita, already do), given the District's long-standing relationship with the County Registrar of Voters, which has historically conducted the District's elections, the District would very much like for the Registrar to conduct the new cumulative voting elections on the District's behalf. The District believes that having the County conduct its elections would be the most efficient approach, and least confusing to the voters.

Pursuant to Section 5 of the enclosed Resolution, I would like to request that the Board of Supervisors consider our request at a public meeting sometime within 60 days, so that in the even the County were to decline the request, the District can be apprised of that fact

¹ SCCCD Board Resolution Nos. 2014/15-13, 2014/15-15, and 2014/15-16, are also attached for your information.

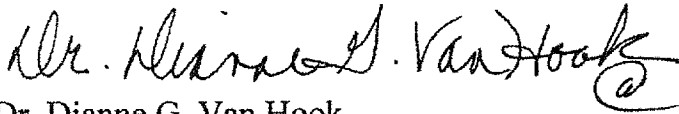
² See, e.g., Cal. Wat. Code § 50753.

³ See Cal. Corp. Code § 708; *Wilson v. Louisiana Pacific Resources, Inc.*, 138 Cal. App. 3d 216, 223 (1982) (describing the long history of cumulative voting in California since 1879, and stating "that the right of cumulative voting is a substantial right").

sufficiently in advance of the District's next election to make the necessary alternative arrangements.

I, and members of our Board, would also welcome the opportunity to provide additional information or speak with you about this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Dianne G. Van Hook", with a stylized flourish at the end.

Dr. Dianne G. Van Hook

Chancellor

Santa Clarita Community College District

cc: Hilda L. Solis, Supervisor, 1st District
Mark Ridley-Thomas, Supervisor, 2nd District
Sheila Kuehl, Supervisor, 3rd District
Don Knabe, Supervisor, 4th District
Michael D. Antonovich, Supervisor, 5th District
Arturo Delgado, Ed.D., Los Angeles County Superintendent of Schools

**BEFORE THE GOVERNING BOARD OF THE
SANTA CLARITA COMMUNITY COLLEGE DISTRICT**

**RESOLUTION TO (1) APPROVE THE USE OF CUMULATIVE VOTING AT FUTURE
ELECTIONS OF THE BOARD, (2) CHANGE THE DATE OF ELECTIONS FOR THE
BOARD OF TRUSTEES, AND (3) REQUEST THAT THE LOS ANGELES COUNTY
REGISTRAR CONDUCT FUTURE ELECTIONS FOR THE BOARD OF TRUSTEES
USING CUMULATIVE VOTING IN NOVEMBER OF EVEN YEARS**

RESOLUTION NO. 2014/15 - 14

WHEREAS, members of the Board of Trustees of the Santa Clarita Community College District are now, and for the past several decades have been, elected using a system in which “any candidate for election to the board is required to run for a particular numbered seat on the board and be elected by the voters of the district at large” (Cal. Stats. 1977, ch. 915, § 1); and

WHEREAS, such elections have historically been conducted by the Los Angeles County Registrar of Voters in consolidation with the Uniform District Election in November of odd-numbered years; and

WHEREAS, an election system like the District’s is subject to challenge under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code (“CVRA”); and

WHEREAS, in 2013 a suit was filed in the Los Angeles County Superior Court, challenging the District’s electoral system under the CVRA (*Soliz v. Santa Clarita Community College District*, Case No. BC512736); and

WHEREAS, the District has long been of the view that voter participation is greater for statewide general elections than for special local elections, including school board member elections; and

WHEREAS, the board seeks to enhance voter participation and specifically to increase the percentage of voters participating in the Board elections; and

WHEREAS, the Board believes that rescheduling to even-year elections may enhance voter participation and further increase the percentage of voters participating in Board elections; and

WHEREAS, the Board believes that adopting by-trustee area elections would have deleterious impacts on the District; and

WHEREAS, “cumulative voting,” or voting in which “each voter has as many votes as there are posts to be filled, and the voter may cast as many of his votes as he wishes for a single candidate” (*Holder v. Hall*, 512 U.S. 874, 910 (1994) (Thomas, J., concurring); *see also* Cal.

Corp. Code § 708(a)), is a recognized means of enhancing the voting power of voters without the harmful effects of trustee areas; and

WHEREAS, litigation under the CVRA can be extremely costly, even to jurisdictions that would ultimately prevail; and

WHEREAS, to avoid additional litigation costs in the *Soliz* case and future potential litigation, and without admitting any violation of the CVRA, the District agreed to a settlement and entry of a stipulated judgment, pursuant to which it agreed to, and the Court ordered it to, consider (a) repeal of the numbered post system, (b) implementation of cumulative voting, and (c) moving the date of its elections to November of even years, concurrently with the statewide general election, or in consolidation therewith if possible; and

WHEREAS, the District would like to maintain its existing relationship with the Los Angeles County Registrar's office if possible;

NOW, THEREFORE, the District hereby finds, determines, declares and resolves as follows:

Section 1. Determination of Recitals. All of the recitals set forth above are true and correct, and the District Governing Board so finds and determines.

Section 2. Adoption of Cumulative Voting. Pursuant to Education Code section 70902(a)(1) and Paragraphs 1(b) and (4) of the stipulated judgment in *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014), future elections for the Board of Trustees will be conducted using cumulative voting.

Section 3. Rescheduling of Board Elections to Coincide with Statewide General Elections. Pursuant to Education Code section 70902(a)(1) and Paragraphs 1(a) and (4) of the stipulated judgment in *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014), future elections for the Board of Trustees will be conducted on the first Tuesday after the first Monday in November of each even-numbered year.

Section 4. Effect on Existing Terms. Pursuant to Education Code sections 70902(a)(1), 72023 and Paragraph 1(a) of the stipulated judgment in *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014), terms of trustees shall continue to be staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election. Trustees whose terms were scheduled to expire in December 2015 will expire in December 2016, and the election to choose those trustees' successors will be conducted in November 2016, instead of November 2015. Trustees whose terms were scheduled to expire in December 2017 will expire in December 2018, and the election to choose their successors will be conducted in November 2018, instead of November 2017. Thereafter, the term of office for the Board shall be four years.

Section 5. Request for the County of Los Angeles to Continue Conducting District Elections. Pursuant to Paragraph 2 of the stipulated judgment in *Soliz v. Santa Clarita*

Community College District, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014), the Chancellor will forward this resolution to the Los Angeles County Board of Supervisors explaining the rationale for the resolution and requesting formal approval from the Board of Supervisors at a public meeting within 60 days after submission and after the resolution has been posted in accordance with law for the Los Angeles County Registrar to continue conducting elections for the District's Board of Trustees, in November of even years using cumulative voting. As provided by Paragraph 4 of the stipulated judgment, denial of this request by the Board of Supervisors shall not affect the policies adopted pursuant to Sections 1 to 4 of this Resolution.

Section 6. Delivery of Resolution to County Superintendent. The Chancellor will forward this resolution to the Los Angeles County Office of Education Superintendent.

Section 7. Delegation of Authority. That the District's Governing Board hereby approves the delegation of authority and appoints its Chancellor or Chancellor's designee, who is hereby authorized and directed, pursuant to a vote of the Governing Board to take all necessary steps to carry out the intent of this Resolution.

Section 8. Effective Date. This resolution shall be effective as of date of its adoption until otherwise rescinded by the Governing Board.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Santa Clarita Community College District this 25 th day of February, 2015, by the following vote:

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAINED:	<u>0</u>

I, Michelle R. Jenkins, President of Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

Michelle R. Jenkins

President of the Board of Trustees
Santa Clarita Community College District

I, Steven D. Zimmer, Clerk of the Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the 13th day of August, 2014, by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Santa Clarita Community College District Governing Board this 28th day of February, 2015.

Steven D. Zimmer

Clerk of the Board of Trustees
Santa Clarita Community College District

**BEFORE THE GOVERNING BOARD OF THE
SANTA CLARITA COMMUNITY COLLEGE DISTRICT**

**RESOLUTION TO DISCONTINUE THE USE OF "NUMBERED SEATS" FOR
ELECTING MEMBERS OF THE BOARD OF TRUSTEES, PURSUANT TO
EDUCATION CODE SECTION 5015.7**

RESOLUTION NO. 2014/15 - 13

WHEREAS, members of the Board of Trustees of the Santa Clarita Community College District are now, and for the past several decades have been, elected using a system in which "any candidate for election to the board is required to run for a particular numbered seat on the board and be elected by the voters of the district at large" (Cal. Stats. 1977, ch. 915, § 1); and

WHEREAS, such a system is subject to challenge under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code ("CVRA"); and

WHEREAS, in 2013 a suit was filed in the Los Angeles County Superior Court, challenging the District's electoral system under the CVRA (*Soliz v. Santa Clarita Community College District*, Case No. BC512736); and

WHEREAS, litigation under the CVRA can be extremely costly, even to jurisdictions that would ultimately prevail; and

WHEREAS, Education Code section 5015.7 expressly gives the Board of Trustees the authority, by a two-thirds vote, to repeal the "numbered post" system; and

WHEREAS, to avoid additional litigation costs in the *Soliz* case and future potential litigation, and without admitting any violation of the CVRA, the District agreed to a settlement and entry of a stipulated judgment pursuant to which it agreed to, and the Court ordered it to, consider repeal of the numbered post system;

NOW, THEREFORE, the District hereby finds, determines, declares and resolves as follows:

Section 1. Determination of Recitals. All of the recitals set forth above are true and correct, and the District Governing Board so finds and determines.

Section 2. Repeal of Numbered Post System. The District Governing Board hereby finds and determines that it is in the best interest of the District to repeal the numbered post system for trustee elections, pursuant to its authority under Education Code section 5015.7.

Section 3. Delegation of Authority. That the District's Governing Board hereby approves the delegation of authority and appoints its Chancellor or Chancellor's designee, who is hereby authorized and directed, pursuant to a vote of the Governing Board to take all necessary steps to carry out the intent of this Resolution.

Section 4. Effective Date. This resolution shall be effective as of date of its adoption until otherwise rescinded by the Governing Board.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Santa Clarita Community College District this 28th day of February, 2015, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAINED: 0

I, Michelle R. Jenkins, President of Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

Michelle R. Jenkins

President of the Board of Trustees
Santa Clarita Community College District

I, Steven D. Zimmer, Clerk of the Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the 13th day of August, 2014, by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Santa Clarita Community College District Governing Board this 25th day of February, 2015.

Steven D. Zimmer

Clerk of the Board of Trustees
Santa Clarita Community College District

**BEFORE THE GOVERNING BOARD OF THE
SANTA CLARITA COMMUNITY COLLEGE DISTRICT**

**RESOLUTION TO AMEND BOARD POLICY BP 2010 (BOARD MEMBERSHIP),
BOARD POLICY BP 2100 (BOARD ELECTIONS), AND ADMINISTRATIVE POLICY
AP 2100 (BOARD ELECTIONS) TO CONFORM TO RESOLUTIONS ADOPTED
CONCURRENTLY HEREWITH, REPEALING NUMBERED SEAT ELECTIONS,
IMPLEMENTING CUMULATIVE VOTING, AND CHANGING THE DATE OF
ELECTIONS FOR THE BOARD OF TRUSTEES**

RESOLUTION NO. 2014/15 - 15

WHEREAS, members of the Board of Trustees of the Santa Clarita Community College District are now, and for the past several decades have been, elected using a system in which “any candidate for election to the board is required to run for a particular numbered seat on the board and be elected by the voters of the district at large” (Cal. Stats. 1977, ch. 915, § 1); and

WHEREAS, such a system is subject to challenge under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code (“CVRA”); and

WHEREAS, in 2013 a suit was filed in the Los Angeles County Superior Court, challenging the District’s electoral system under the CVRA (*Soliz v. Santa Clarita Community College District*, Case No. BC512736); and

WHEREAS, litigation under the CVRA can be extremely costly, even to jurisdictions that would ultimately prevail; and

WHEREAS, to avoid additional litigation costs in the *Soliz* case and future potential litigation, and without admitting any violation of the CVRA, the District agreed to a settlement and entry of a stipulated judgment, pursuant to which it agreed to, and the Court ordered it to, consider repeal of the numbered post system, implementation of cumulative voting, and moving the date of its elections to November of even years, concurrently with the statewide general election; and

WHEREAS, to implement the stipulated judgment the Board has adopted Resolution Nos. 2014/15-15 (repealing numbered posts), 2014/15-15 (approving cumulative voting and the change of election date, and seeking agreement by the Los Angeles County Registrar to consolidate and conduct the District’s elections in the new system), and 2014/15-15 (seeking select waivers from the State Board of Education); and

WHEREAS, the policy changes adopted by those resolutions has created an inconsistency with several Board Policies and Administrative Procedures pertaining to elections;

WHEREAS, the Board wishes to amend the relevant Board Policies and Administrative Procedures to make them consistent with the stipulated judgment and the foregoing resolutions;

NOW, THEREFORE, the District hereby finds, determines, declares and resolves as follows:

Section 1. Determination of Recitals. All of the recitals set forth above are true and correct, and the District Governing Board so finds and determines.

Section 2. Amendment of Board Policy BP 2010 (Board Elections). Board Policy BP 2010 (Board Membership) is hereby amended to read as shown in Exhibit A hereto.

Section 3. Amendment of Board Policy BP 2100 (Board Elections). Board Policy BP 2100 (Board Elections) is hereby amended to read as shown in Exhibit B hereto.

Section 4. Amendment of Administrative Procedure AP 2100 (Board Elections). Board Administrative Procedure AP 2100 (Board Elections) is hereby amended to read as shown in Exhibit C hereto.

Section 5. Delegation of Authority. The District's Governing Board hereby approves the delegation of authority and appoints its Chancellor or Chancellor's designee, who is hereby authorized and directed, pursuant to a vote of the Governing Board to take all necessary steps to carry out the intent of this Resolution.

Section 6. Effective Date. This resolution shall be effective as of date of its adoption until otherwise rescinded by the Governing Board.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Santa Clarita Community College District this 25 th day of February, 2015, by the following vote:

AYES:

5

NOES:

0

ABSENT:

0

ABSTAINED:

0

I, Michele R. Jenkins, President of Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

Michele R. Jenkins

President of the Board of Trustees
Santa Clarita Community College District

I, Steven D. Zimmer, Clerk of the Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the 13th day of August, 2014, by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Santa Clarita Community College District Governing Board this 28th day of February, 2015.

Steven D. Zimmer

Clerk of the Board of Trustees
Santa Clarita Community College District

EXHIBIT A

BP 2010 Board Membership

Reference:

Education Code Section 70902(a)(1); Stipulated Judgment, *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014)

The Board shall consist of five members elected by the qualified voters of the District. Members shall be elected at large, using a cumulative voting system, in which "each voter has as many votes as there are posts to be filled, and the voter may cast as many of his votes as he wishes for a single candidate." *Holder v. Hall*, 512 U.S. 874, 910 (1994) (Thomas, J., concurring); see also Cal. Corp. Code § 708(a).

Any person who meets the criteria contained in law is eligible to be elected or appointed a member of the Board.

An employee of the district may not be sworn into office as an elected or appointed member of the governing board unless he or she resigns as an employee.

No member of the governing board shall, during the term for which he or she is elected, hold an incompatible office.

Approved ##/##/##

EXHIBIT B

BP 2100 Board Elections

Reference:

Education Code Sections 5015.7, 70902(a)(1); Stipulated Judgment, *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014)

The term of office of each trustee shall be four years, commencing on the first Board meeting in December following the general election in November. Elections shall be held every two years, in even-numbered years. Terms of trustees are staggered so that, as nearly as practical, one half of the trustees shall be elected at each trustee election.

Each trustee shall be elected at-large, using a cumulative voting system, in which "each voter has as many votes as there are posts to be filled, and the voter may cast as many of his votes as he wishes for a single candidate." *Holder v. Hall*, 512 U.S. 874, 910 (1994) (Thomas, J., concurring); see also Cal. Corp. Code § 708(a).

If the County of Los Angeles is unwilling or unable to conduct elections on the District's behalf in November of even years, using cumulative voting, the District will conduct its own elections. The City of Santa Clarita presently conducts its own elections, as do many other local jurisdictions in Los Angeles County and across the state.

If any candidate for the Board of Trustees pays to have a candidate statement placed in the ballot pamphlet, the District will pay the costs of having that statement translated into Spanish and placed in the ballot pamphlet.

In the spring of each election year, the District will host information sessions for persons interested in becoming candidates for the Board, to provide information about the election process and the role of the District's trustees.

As permitted by law, the District will conduct voter registration drives on its campuses, and implement programs on its campuses to facilitate vote-by-mail voting.

The District will reasonably make its facilities available to the County of Los Angeles for use as polling places, to help facilitate polling place voting. In the event that the District conducts its own elections, the District will also reasonably make its facilities available for use as polling places.

Approved #####

EXHIBIT C

AP 2100 Board Elections

Reference: Education Code Sections 5015.7, 70902(a)(1); Stipulated Judgment, Soliz v. Santa Clarita Community College District, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014)

The Secretary to the Board of Trustees will maintain a list of the current incumbents, and the date of the next regular election. Immediately upon the certification of election of a new Board member, the list will be updated and made public.

Approved #####

**BEFORE THE GOVERNING BOARD OF THE
SANTA CLARITA COMMUNITY COLLEGE DISTRICT**

**RESOLUTION REQUESTING A WAIVER FROM THE STATE BOARD OF
EDUCATION OF THE PROVISIONS EDUCATION CODE §§ 5030 AND 5303 AND
RELATED PROVISIONS TO FACILITATE IMPLEMENTATION OF THE
STIPULATED JUDGMENT IN *SOLIZ V. SANTA CLARITA COMMUNITY COLLEGE
DISTRICT*, CASE NO. BC512736**

RESOLUTION NO. 2014/15 - 16

WHEREAS, members of the Board of Trustees of the Santa Clarita Community College District are now, and for the past several decades have been, elected using a system in which “any candidate for election to the board is required to run for a particular numbered seat on the board and be elected by the voters of the district at large” (Cal. Stats. 1977, ch. 915, § 1); and

WHEREAS, such elections have historically been conducted by the Los Angeles County Registrar of Voters in consolidation with the Uniform District Election in November of odd-numbered years; and

WHEREAS, an election system like the District’s is subject to challenge under the California Voting Rights Act of 2002, codified at sections 14025–14032 of the California Elections Code (“CVRA”); and

WHEREAS, in 2013 a suit was filed in the Los Angeles County Superior Court, challenging the District’s electoral system under the CVRA (*Soliz v. Santa Clarita Community College District*, Case No. BC512736); and

WHEREAS, the District has long been of the view that voter participation is greater for statewide general elections than for special local elections, including school board member elections; and

WHEREAS, the board seeks to enhance voter participation and specifically to increase the percentage of voters participating in the Board elections; and

WHEREAS, the Board believes that rescheduling to even-year elections may enhance voter participation and further increase the percentage of voters participating in Board elections; and

WHEREAS, the Board believes that adopting by-trustee area elections would have deleterious impacts on the District; and

WHEREAS, “cumulative voting,” or voting in which “each voter has as many votes as there are posts to be filled, and the voter may cast as many of his votes as he wishes for a single candidate” (*Holder v. Hall*, 512 U.S. 874, 910 (1994) (Thomas, J., concurring); *see also* Cal.

Corp. Code § 708(a)), is a recognized means of enhancing the voting power of voters without the harmful effects of trustee areas; and

WHEREAS, litigation under the CVRA can be extremely costly, even to jurisdictions that would ultimately prevail; and

WHEREAS, to avoid additional litigation costs in the *Soliz* case and future potential litigation, and without admitting any violation of the CVRA, the District agreed to a settlement and entry of a stipulated judgment, pursuant to which it agreed to, and the Court ordered it to, consider repeal of the numbered post system, implementation of cumulative voting, and moving the date of its elections to November of even years, concurrently with the statewide general election; and

WHEREAS, the District would like to maintain its existing relationship with the Los Angeles County Registrar's office if possible, but has been ordered to conduct its own concurrent elections if necessary; and

WHEREAS, the City of Santa Clarita already conducts its own elections, as do many other local jurisdictions in Los Angeles County and across the state; and

WHEREAS, to facilitate implementation of the policies ordered by the Los Angeles County Superior Court the District seeks to obtain a waiver of the provisions of Education Code sections 5030 and 5303 from the State Board of Education, and of related Education Code sections as advised by the staff of the California Department of Education; and

WHEREAS, Education Code sections 33050 *et seq.* allows the governing board of a school district to request the State Board of Education to waive all or part of any section of the Education Code or any regulation adopted by the State Board of Education that implements a provision of the Education Code, subject to certain exceptions; and

WHEREAS, Education Code sections 5030 and 5303 are not listed as exceptions in Education Code sections 33050 *et seq.* and can thus be waived; and

WHEREAS, to obtain a waiver the District must comply with Education Code and California Department of Education and State Board of Education regulations; and

WHEREAS, the District must submit a complete General Waiver Request form to the California Department of Education; and

WHEREAS, the District must consult with all collective bargaining units; and

WHEREAS, the District has consulted all collective bargaining units, made every effort to include them as a participant in the waiver process and shall note the collective bargaining units' positions regarding the waiver in the District's General Waiver Request; and

WHEREAS, the District must consult with any advisory committee, as well as any other committees or councils with an interest in the waiver; and

WHEREAS, the District has consulted its faculty senate and advisory committees, and shall note the positions of such groups regarding the waiver in the District's General Waiver Request; and

WHEREAS, the District must conduct a properly noticed public hearing, at which time the public may testify on the merits of obtaining a waiver from the State Board of Education; and

WHEREAS, on February 11, February 12 and February 13, 2015, the District distributed a notice specifically inviting public testimony regarding the waiver, and said notice was printed in a newspaper of general circulation and posted at each school site and included the date, time, location and subject of the hearing; and

WHEREAS, on February 25, 2015, the District conducted a properly noticed public hearing held during a board meeting at which time the public was able to testify on the waiver proposal;

NOW, THEREFORE, the District hereby finds, determines, declares and resolves as follows:

Section 1. Determination of Recitals. All of the recitals set forth above are true and correct, and the District Governing Board so finds and determines.

Section 2. Request for Waiver. Pursuant to Education Code sections 33050 et seq. and Paragraph 3 of the stipulated judgment in *Soliz v. Santa Clarita Community College District*, Los Angeles County Superior Court, Case No. BC512736 (entered Aug. 25, 2014), the Chancellor and/or her designee, is authorized and directed to submit a General Waiver Request to the California Department of Education, seeking a waiver of the provisions of Education Code sections 5030 and 5303, and any necessary related Education Code sections, so as to facilitate the timely implementation of the District's transition from its current electoral system to a system using cumulative voting, conducted in November of even-numbered years, concurrently with the statewide general election. The Chancellor or Chancellor's designee is hereby authorized and directed, pursuant to a vote of the Governing Board to take all other necessary steps to carry out the intent of this Resolution.

Section 3. Effective Date. This resolution shall be effective as of date of its adoption until otherwise rescinded by the Governing Board.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Santa Clarita Community College District this 25 th day of February, 2015, by the following vote:

AYES: 15

NOES: 0

ABSENT: 0

ABSTAINED: 0

I, Michele R. Jenkins, President of Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which Resolution is on file in office of said Board.

Michele R. Jenkins

President of the Board of Trustees
Santa Clarita Community College District

I, Steven D. Zimmer, Clerk of the Governing Board of the Santa Clarita Community College District, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the Governing Board at a regular meeting thereof held on the 13th day of August, 2014, by the above described vote of the Governing Board;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Santa Clarita Community College District Governing Board this 25th day of February, 2015.

Steven D. Zimmer

Clerk of the Board of Trustees
Santa Clarita Community College District